

REMARKS

In the Official Action mailed on **February 15, 2005**, the Examiner reviewed claims 1-3, 5-10, 12-17, and 19-21. Claims 1-3 and 5-7 were rejected under 35 U.S.C. §101 because they were directed to non-statutory matter. Claims 1, 6-8, 13-15, and 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Summer, Jr., et al (US 4,414,624, hereinafter "Summer") in view of Bayeh (USPN 6,223,202, hereinafter "Bayeh"). Claims 2, 9, and 16 were rejected 35 U.S.C. §103(a) as being unpatentable over Summer in view of Bayeh, and further in view of Cutler et al. (USPN 5,752,031, hereinafter "Cutler"). Claims 3, 5, 10, 12, 17, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Summer in view pf Bayeh, and further in view of Applicants' admitted prior art (hereinafter "AAPA").

Rejections under 35 U.S.C. §101

Claims 1-3 and 5-7 were rejected because they were directed to non-statutory matter.

Applicant has amended the claims as suggested by the Examiner to obviate this rejection. No new matter has been added.

Rejections under 35 U.S.C. §103(a)

Independent claims 1, 8, and 15 were rejected as being unpatentable over Summer in view of Bayeh. Applicant respectfully points out that the combined system of Summer and Bayeh teaches providing a supervisor call to modify task priority but **never changes a priority without external direction** from a user because the priority of a task is considered to be a user-controlled policy and not a system function (see Summer, col. 15, lines 24-27).

In contrast, the present invention changes the scheduling policy and the priority of a task **in response to scheduling a thread** to execute that requires

other threads to be suspended during execution (see paragraph [0022] of the instant application). This is beneficial because it ensures that the thread that requires other threads to be suspended during execution will run to completion while other threads are forced to remain idle.

There is nothing within the combined system of Summer and Bayeh which suggests changing the scheduling policy and the priority of a task in response to scheduling a thread to execute that requires other threads to be suspended during execution. In fact, Summer teaches away from this by stating that the supervisor call never changes a priority without external direction (see Summer, col. 15, lines 24-27).

Accordingly, Applicant has amended independent claims 1, 8, and 15 to clarify that the present invention changes the scheduling policy and the priority of a task in response to scheduling a thread to execute that requires other threads to be suspended during execution. These amendments find support in paragraph [0022] of the instant application.


Hence, Applicant respectfully submits that independent claims 1, 8, and 15 as presently amended are in condition for allowance. Applicant also submits that claims 2-3 and 5-7, which depend upon claim 1, claims 9-10 and 12-14, which depend upon claim 8, and claims 16-17 and 19-21, which depend upon claim 15, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By



Edward J. Grundler
Registration No. 47,615

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Edward J. Grundler
PARK, VAUGHAN & FLEMING LLP
2820 Fifth Street
Davis, CA 95616
Tel: (530) 759-1663
FAX: (530) 759-1665